IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 798 OF 2006

Shri Anand B Babulal Kapse ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. Anilkumar Patil for the applicant.
Ms. M.H. Mahatre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.1041 of 2005 registered with Swargate Police Station for the offence punishable under section 363 read with section 34 of the Indian Penal Code.

3. It is the case of the applicant that the complainant and applicant got married in a temple. the learned Counsel for the applicant submitted that the complainant was above 16 years of age.

4. The learned APP states that the charge-sheet is likely to be filed in couple of days. The investigation is over and there is prima facie evidence to show that the prosecutrix had eloped with the applicant on her own free will. The photograph indicates that the complainant and the applicant had exchanged garlands in the temple and there is a certificate of marriage dated 16/11/2005 between the applicant and the complainant.

5. In these circumstances, this is a fit case for grant of bail. The applicant be released on bail in the sum of Rs. 5000/- with one or two sureties in the like amount.

6. Application is accordingly disposed of.

V.M. KANADE, J.